

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES DICKERSON,	§	
	§	No. 428, 2010
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for Sussex County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0606008609
Appellee.	§	

Submitted: August 6, 2010
Decided: August 10, 2010

Before **HOLLAND, BERGER** and **JACOBS**, Justices.

ORDER

This 10th day of August 2010, it appears to the Court that:

(1) On July 13, 2010, the Court received James Dickerson’s *pro se* notice of appeal from the Superior Court’s June 8, 2010 adjudication and sentencing of him for a violation of probation. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before July 8, 2010.¹

(2) On July 26, 2010, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing that Dickerson show cause why the appeal should not be dismissed as untimely filed. In his response to the notice filed on August 6, 2010, Dickerson asserts that his appeal was

¹ Del. Supr. Ct. R. 6(a)(ii). The Court notes that the Superior Court docket reflects that Dickerson was informed in writing of the thirty-day appeal period by defense counsel of record. Del. Supr. Ct. R. 26(k). See docket at 33, *State v. Dickerson*, Del. Super., Cr. ID No. 0606008609 (June 8, 2010) (filing of “advice regarding appeal” form).

untimely because the prison law library sent him the wrong form and did not respond to his request for assistance until it was too late.

(3) “Time is a jurisdictional requirement.”² A notice of appeal must be received by the Office of the Clerk of this Court within the applicable time period to be effective.³ An appellant’s *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.⁴ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, the appeal cannot be considered.⁵

(4) In this case, the Court has concluded that the appeal must be dismissed. Dickerson does not contend, and the record does not reflect, that his failure to timely file the notice of appeal is attributable to court-related personnel.⁶ Thus, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice

² *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

³ Del. Supr. Ct. R. 10(a).

⁴ *Carr v. State*, 554 A.2d at 779.

⁵ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

⁶ *See Brown v. State*, 2004 WL 1535757 (Del. Supr.) (dismissing untimely appeal after concluding that prison law library personnel are not court-related personnel).